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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,071	11/21/2000	Jay C. Hsu	KCX-359 (15169)	1979

7590 10/06/2004

Jason W. Johnston,  
Dority & Manning, P.A.  
PO Box 1449  
Greenville, SC 29602-1449

EXAMINER

YU, GINA C

ART UNIT PAPER NUMBER

1617

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/718,071	<b>Applicant(s)</b> HSU ET AL.	
	<b>Examiner</b> Gina C. Yu	<b>Art Unit</b> 1617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2004.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-17, 19-22, 24-27, 29, 44 and 45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-17, 19-22, 24-27, 29, 44 and 45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Receipt is acknowledged of amendment to specification and response filed June 9, 2004. Claims 1-4, 7-17, 19-22, 24-27, 29, 44, 45 are pending. Claim rejection made under 35 U.S.C. § 103 (a) over Hammonds et al. (WO 98/03147) in view of Kryzak et al. (US 6440437), Sebillotte-Arnaud (US 5728389), and Potini (US 4944938), as indicated in the previous Office action dated February 10, 2004, is withdrawn in view of applicants' remarks. New rejection is made.

#### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1-4, 7-17, 19-22, 24-27, 29, and 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammonds et al. (WO 98/03147) in view of Sebillotte-Arnaud (US 5728389), and Potini (US 4944938).

Hammonds teaches wet wipes of fibrous sheet materials that are partially saturated with an aqueous solution comprising 0.5-50 % oat extract and 10-90% solubilizing agent. See p. 1, line 32 – p. 2, line 26; p. 7, lines 16 – 32. The wipes are used to cleanse and sooth the skin. The aqueous liquid comprises 0.5-10 % of the composition. The solution may be added to the fibrous sheet material at an add-on level of about 0.1-50 %. See instant claims 19-21 and 29. The wipes have a basis weight of 5-200 g/m. See instant claim 22. The oat extract comprises skin protectants and emollients, which conditions the skin. Propylene glycol and sorbitol are disclosed as solubilizing agents. See instant claims 7-10 and 25. The reference teaches, "the

aqueous liquid contained within the wet wipes may also include any suitable components which provide the desired wiping properties.” See p. 7, lines 18 – 21. Specifically, emollients, moisturizers, additional surfactants, and preservatives are mentioned. See p. 7, lines 21– 22; instant claims 13 – 17, 26, 27. Towels are taught as another form of the product. The reference also teaches using glycerin to solubilize the oat extract without irritating the skin. While the reference teaches using surfactants, the reference fails to teach alkoxylated surfactants as claimed in the instant claim.

Sebillotte-Arnaud teaches that talloweth-60 myristyl glycol is a conventionally used nonionic surfactant in skin cleansing compositions. See Example 3.

Potini teaches that talloweth-60 myristyl glycol is a conventional water-soluble thickener well known in cosmetic art. See col. 2, lines 60-64. See instant claims 11, 12, 44, and 45.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have added the talloweth-60 myristyl glycol to the lotion composition of Hammonds as motivated by Sebillotte-Arnaud and Potini because 1) Hammonds teaches to include suitable cosmetic ingredients such as additional surfactants in the aqueous liquid to provide the desired wiping properties; 2) Sebillotte-Arnaud teaches that talloweth-60 myristyl glycol is an old and well known nonionic surfactant used in a skin cleanser; 3) Potini teaches that talloweth-60 myristyl glycol is also used as a water-soluble thickener in cosmetic art. The skilled artisan would have had a reasonable expectation of successfully producing a skin care composition with enhanced viscosity to make the wet wipe of Hammonds.

### ***Response to Arguments***

Applicant's arguments filed December 8, 2003 have been considered but are moot in view of the new ground(s) of rejection in part, and unpersuasive in part.

The Kryzik reference is withdrawn from rejection in view of applicants' remarks.

Applicants assert that the invention in claims 1 and 22 are directed to an absorbent paper product or paper towel for drying and conditioning the skin of a user. Examiner respectfully notes that the claimed invention is in the form of "towel, wipe, or napkin" comprising a paper web and a lotion composition which comprises the recited components in the claim. The term "absorbent" describes the property of the product, thus the Hammonds' paper wipe comprising a paper web and a lotion would also have this property. The phrase "for drying and conditioning the skin of a user" is viewed as an intended use or purpose of the invention. The Hammond paper wipe nevertheless is useful for the same purposes. While Sebillote-Arnaud and Potini do not teach any paper product to be used with the compositions, Hammonds provide the teaching that it is well known to make wet wipes by incorporating a personal care composition into a fibrous sheet material. Examiner takes the position that incorporating a well known thickener, which is talloweth-60-myristyl glycol in this case, is an obvious variation of the prior arts.

### ***Conclusion***

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gina C. Yu whose telephone number is 571-272-0635.

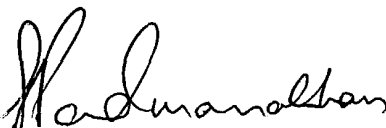
Art Unit: 1617

The examiner can normally be reached on Monday through Friday, from 8:30 AM until 6:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan can be reached on 571-272-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gina Yu  
Patent Examiner

  
**SREENI PADMANABHAN**  
**SUPERVISORY PATENT EXAMINER**